

**Application by Highways England for the A303 Amesbury to Berwick Down
The Examining Authority's first Written Questions and requests for information (ExQ1)**

Environment Agency response to questions

EXQ1	Question to:	Question:	EA response 3 May 2019:
AQ.1	Air quality and emissions		
AQ.1.6	Wiltshire Council Environment Agency	Air quality receptors Are you satisfied that all potential sensitive receptors have been taken into account in the Air Quality Assessment (AQA), and with the Applicant's identification of worst-case locations for air quality?	The Environment Agency does not have a remit to comment on general air quality issues. We only regulate air quality from Installations with Environmental Permits.
AQ.1.7	Wiltshire Council Environment Agency	Stonehenge Visitor Centre Do you agree that Receptor R79 represents the worst-case location along the A360 is an appropriate proxy for the assessment of effects on Stonehenge Visitor Centre?	The Environment Agency does not have a remit to comment on general air quality issues. We only regulate air quality from Installations with Environmental Permits.
AQ.1.8	Wiltshire Council Environment Agency	PM2.5 Are you satisfied that potential impacts of PM2.5 concentrations have been fully taken into account in the ES and appropriately assessed as a fraction of PM10 particulate concentrations?	The Environment Agency does not have a remit to comment on general air quality issues. We only regulate air quality from Installations with Environmental Permits.
AQ.1.12	The Applicant Wiltshire Council Environment Agency	Tunnel and approaches i. With regard to the statement in para 5.6.10 can the Applicant confirm that there is no likelihood of any exceedances of the annual mean and hourly mean NO2 UK AQS objectives at either tunnel portal or within the tunnel? ii. What is the likelihood of PM10 and PM2.5 exceedances in these locations? iii. Are the relevant authorities satisfied with this approach to tunnel air quality and its potential impacts on air quality in the surroundings?	The Environment Agency does not have a remit to comment on general air quality issues. We only regulate air quality from Installations with Environmental Permits.

EXQ1	Question to:	Question:	EA response 3 May 2019:
AQ.1.23	Wiltshire Council Environment Agency	<p>Operational Phase Paragraphs 5.9.31 - 5.9.44 of the AQA set out predicted impacts during the operational phase. Small increases in NO2 concentrations are predicted east of the Countess roundabout (R76), at Amesbury (R58 and R60), Upton Lovell and Codford St Mary (R-19 - R21 and R14) Deptford (R7) and Chicklade (R98 – R100) due to increases in traffic during the operational phase. A small increase in PM10 concentrations is predicted at Deptford. In all other locations decreases in emissions are predicted, due to decreases in traffic once the scheme is complete and in operation.</p> <p>Are you content that the AQA has assessed the worst-case scenarios for the operational phase, and with the overall conclusions that any increase in harmful emissions from traffic during operation would result in concentrations well within the relevant AQ standards for NO2 and PM10/PM2.5?</p>	The Environment Agency does not have a remit to comment on general air quality issues. We only regulate air quality from Installations with Environmental Permits.
AL.1	Alternatives		
AL.1.3	Environment Agency	<p>Document 7.1 - Case for the scheme and NPS accordance, Appendix A, considers the scheme compliance with the NPSNN. In relation to paragraph 46 of the NPSNN, it refers to ES Appendix 11.2 Water Framework Directive (WFD) Compliance Assessment. That assessment, paragraph 8.1.6, concludes that overall the scheme would be compliant with the requirements of the WFD.</p> <p>i. Does the EA agree that there would be no specific legal requirements within its remit with which the scheme would fail to comply? If not, please explain why?</p> <p>ii. Are there any policy requirements, for example, in relation to the flood risk sequential test that remain of concern? If so, please explain why?</p>	<p>(We believe this question actually relates paragraph 4.26 of NPSNN - Alternatives)</p> <p>i. The Environment Agency is satisfied that the DCO application has adequately undertaken the Water Framework Directive Compliance Assessment. We confirm the methodology used is one agreed with the EA and the findings of this assessment are appropriate. This is also confirmed in our Statement of Common Ground.</p> <p>We would however, wish the DCO to include requirements to ensure mitigation is put in place to minimise any impact on the surface and groundwater water quality, quantity (levels and flow) and environment, including pollution prevention measures, at both the construction and operation stages. In addition, even though the DCO application fulfils the WFD assessment by not causing deterioration, it does not appear that the scheme is contributing to improvements to</p>

EXQ1	Question to:	Question:	EA response 3 May 2019:
			<p>waterbodies, and we recommend that this improvement/enhancement is addressed as part of the DCO.</p> <p>ii. Provided that an updated Flood Risk Assessment is agreed with the EA and submitted as part of the DCO application, with any required mitigation put in place as part of the scheme, then we would be satisfied that flood risk policy requirements have been achieved.</p>
Ec.1	Biodiversity, ecology and biodiversity (including Habitats Regulations Assessment (HRA))		
Ec.1.2	Applicant Natural England RSPB Environment Agency	<p>Green Bridges Para 8.8.5 of the ES refers to the use of Green Bridges to provide sheltered crossing features to reduce mortality and improve connectivity to existing habitat features to aid crossing by bats and other species. These are supplemented by having the Scheme in cutting for much of its length and by the provision of false cuttings, typically two metres or more in height, to encourage birds and bats to fly over the height of most vehicles.</p> <p>i. Is the width and design of the proposed Green Bridges sufficient to have a material effect in achieving this objective?</p> <p>ii. Are there additional design features that could be incorporated to increase the effectiveness of the Green Bridges in this regard?</p> <p>iii. How does the proposed scheme compare with the status quo in terms of fragmentation of habitats and potential for species mortality?</p>	<p>The Environment Agency would defer to Natural England and the other conservation bodies with regard to the proposed design of the green bridges.</p>
Ec.1.8	Natural England RSPB Environment Agency	<p>Habitat creation Do you agree that the proposed habitat creation east of Parsonage Down would be an effective means of complementing and enhancing the existing National Nature</p>	<p>We support the habitat creation east of Parsonage Down as part of this scheme, however, we would defer to Natural England with regard to any detail regarding this, particularly in relation to the Nature Reserve.</p>

EXQ1	Question to:	Question:	EA response 3 May 2019:
		Reserve and improving connectivity of new and existing habitats along the length of the scheme?	However, we are disappointed that there is no aspiration or commitment within the DCO application to deliver net gain of wetland habitat. The two SAC river corridors which the new road crosses are both in unfavourable condition and both modified to accommodate the current A303 (which will likely remain). Catchment-wide river restoration plans and delivery partnerships exist, and any restoration works further upstream or downstream could be thoughtfully designed, modified and/or public access considered. As well as providing net gain to wetland biodiversity and the natural capital of the catchment (as supported by the aspirations of NPPF, and Defra's 25 year environment plan) such commitment could offer compensation areas for the residual adverse effects on visual landscape and tranquillity of the river valleys to recreational users at the new crossing sites (as acknowledged in ES Chapter 7).
Ec.1.9	Natural England RSPB Environment Agency	<p>Construction impacts</p> <p>i. Are you satisfied that the construction mitigation measures proposed in paragraph 8.8.25 of the ES can be satisfactorily secured through the draft OEMP?</p> <p>ii. Are there any other measures which should be included in the OEMP?</p>	<p>i) With regard to construction mitigation measures relating to biodiversity, we consider that the list of mitigation measures are appropriate, with the exception that we would like to see measures PW BIO1, MW BIO5 and MW BIO6 expanded (see question (ii)).</p> <p>In addition in relation to 8.8.25 I): "To avoid impacts on fish in the River Till, any piling works will be carried out using low vibration methods and will be excluded from within 8m of the river (as a minimum)." We would request that works should be carried out whilst there is no residual flow within the channel. If the river is flowing, soft start techniques should also be used to minimise disturbance.</p> <p>ii) We would like to see measures PW BIO1, MW BIO5 and MW BIO6 expanded regarding preliminary works and construction mitigation. This is required because we believe the sections in the OEMP relating to biosecurity and invasive species are too broad and unprepared given the extent of the other data gathering exercises.</p> <p>We know that invasive non-native species records exist which should have been reviewed, ground truthed, assessed and the controls outlined. Therefore, we will require the applicant to undertake full survey and control plan prior to preliminary works commencement</p>

EXQ1	Question to:	Question:	EA response 3 May 2019:
			<p>and reviewed by the relevant bodies (Environment Agency / Natural England). Within this, we would like to see the principles agreed that:</p> <ul style="list-style-type: none"> • Where cost effective and technically feasible, the aim should be long term management and ultimate removal of any invasive-non-native species. Where this is not possible, actions to limit spread would be acceptable. • Ensure all actions are in accordance with best practice and as per UK strategy http://www.nonnativespecies.org/home/index.cfm • Give commitment that any management to remove/prevent their spread is applicable during operation (as well as construction), and therefore actions should be included in a maintenance plan until this is achieved. • In accordance, maintenance plans need to include survey of site once operational and periodically thereafter. • Ensure commitment to any residual treatment required, both for previously known areas/species but also any new areas/species which may have unknowingly arrived during earthworks and construction operations. • General biosecurity principles for all people, vehicles and materials onsite are applied (already stated in OEMP).
Ec.1.10	Natural England Environment Agency Wiltshire Council	<p>Compensatory provision Paragraph 8.9.4 identifies the loss of a small area of Chalk Grassland at the Countess Cutting CWS.</p> <p>Do you consider that the proposed replacement area would amount to satisfactory compensation for the loss of this feature?</p>	The Environment Agency would defer to Natural England with regard to this matter.
Ec.1.13	Environment Agency Natural England	<p>Impact on River Avon SAC</p> <p>i. Are you satisfied that forecast levels of NOx during the construction phase in 2021 would not exceed the critical level for vegetation except within 5m of the Countess roundabout (paragraph 8.9.24)?</p>	The Environment Agency does not have a remit to comment on general air quality issues. We only regulate air quality from Installations with Environmental Permits. We would defer to Natural England with regard to these questions.

EXQ1	Question to:	Question:	EA response 3 May 2019:
		<p>ii. Do you agree with the statement that the vegetation which is one of the reasons for the designation of the Avon SAC is phosphate limited rather than nitrogen-limited, and that NOx levels associated with the construction phase are unlikely to affect the vegetation within the SAC?</p>	
Ec.1.15	<p>Environment Agency Natural England RSPB</p>	<p>Stone curlew</p> <p>i. Do you agree that the proposed new Stone Curlew breeding plot within Parsonage Down SSSI and NNR described in paragraph 8.9.28 of the ES would provide effective compensation for the loss of an existing permanent plot to the south of the Winterbourne Stoke bypass?</p> <p>ii. Can Natural England comment on the Applicant's proposed approach to address indirect effects on functionally linked habitat of the Salisbury Plain SPA features (namely Stone Curlew), in particular:</p> <p>a. The proposed approach which includes 'habitat modification' within another European site (Salisbury Plain SAC). The Applicant proposes to mitigate effects within the SPA by directly altering habitat within the SAC;</p> <p>b. the acceptability of the applicant's proposed approach to habitat modification within the SAC in the light of the conservation objectives for that site; and</p> <p>c. the Applicant's conclusion of no likely significant effects on the other qualifying features of the SPA, and hence only stone curlew are presented as a feature of the site in the Applicant's integrity matrices (Appendix C, matrix 2 of [APP-266].</p> <p>The Applicant states at paragraphs 5.1.5 and 5.3.6 of [APP-266] that the locations of 'replacement' and 'additional</p>	<p>The Environment Agency would defer to Natural England with regard to these questions. Stone Curlew matters are not in the EA remit.</p>

EXQ1	Question to:	Question:	EA response 3 May 2019:
		<p>stone curlew breeding plots have been agreed with NE and RSPB respectively. Paragraphs 5.1.7 and 5.3.8 also state that NE and the RSPB have agreed to take on the long-term management of these plots.</p> <p>iii. Can NE and RSPB comment on the extent to which the location and specification and long-term management of a 'replacement' and additional' breeding plot has been agreed with the Applicant, and can the Applicant explain how these are to be secured as part of the DCO or other legal mechanism?</p> <p>iv. Can NE and the RSPB provide further commentary on what long term management of these plots entails and the extent to which the Applicant relies on the success of these measures to conclude no AEOI for the Salisbury Plain SPA?</p> <p>v. Can the Applicant explain the extent to which long term management provisions are included for within the provisions of the DCO and whether there is any potential for conflict between these provisions and any long-term management objectives that may be delivered separately by NE or the RSPB?</p>	
Ec.1.19	Environment Agency Natural England RSPB	<p>Stone curlew Do you agree that the scheme would not have any likely significant adverse impact on any other identified stone curlew breeding plot in the vicinity of the scheme and that the works are unlikely to result in any significant disturbance to breeding birds?</p>	The Environment Agency would defer to Natural England with regard to these questions. Stone Curlew matters are not in the EA remit.
Ec.1.22	Environment Agency Natural England RSPB Great Bustard Group	<p>Great bustard i. What information is available on the current status of the great bustard in the UK and in the local area?</p>	The Environment Agency would defer to Natural England and other conservation bodies with regard to these questions. Great Bustard matters are not in the EA remit.

EXQ1	Question to:	Question:	EA response 3 May 2019:
		ii. How significant is the scheme as a threat to the success of the project to re-establish a sustainable breeding population of great bustard?	
Ec.1.23	Environment Agency Natural England RSPB	<p>Species conservation Are you satisfied that the ES has thoroughly assessed potential construction and operational impacts on the following groups/ species: Lichen; aquatic macro invertebrates; Desmoulin's whorl snail; terrestrial invertebrates; fish; amphibians; reptiles; birds (breeding and wintering); barn owl; stone curlew; great bustard; bats; water vole; otter; badger?</p>	<p>The Environment Agency is satisfied that the ES has thoroughly assessed the potential construction and operational impacts on aquatic macro invertebrates, Desmoulin's whorl snail, fish, amphibians, water vole and otter. We would defer to Natural England and other conservation bodies with regard to providing comments on the other species and groups listed.</p> <p>We would reiterate that there is no enhancement committed within the DCO to the wetland environment (which we would like to see. See our response to question Ec 1.8).</p>
DCO.1	Draft Development Consent Order (dDCO)		
Part 1 – Preliminary - Articles			
DCO.1.16	Environment Agency Natural England	<p>Article 3 (1) and (2) – Disapplication of legislative provisions i. Please comment generally on the effect of this Article given that its consequence would be that certain consents would no longer need to be obtained.</p> <p>ii. Would there still be sufficient regulation of the activities that fall within Article 3(1) (a) to (g)?</p>	<p>The Environment Agency do not give consent under Section 150 Planning Act 2008 to the disapplication of legislation listed in Article 3(1) (e) that is Section 24 Water Resources Act 1991.</p> <p>The Environment Agency are potentially prepared to give consent to the disapplication of legislation listed in Article 3 (1) (f) and (g) subject to the adoption of our preferred protective provisions and receipt of more detailed information about the flood risk activities the applicant intends to undertake. There would be sufficient regulation if our preferred protective provisions are adopted and included in the final DCO.</p>
Part 2 – Works Provisions - Articles			
DCO.1.34	Environment Agency	<p>Article 13 (7)(a) – Discharge of water Please comment on the Article 13 provisions generally and the safeguard provided by Article 13(6) in particular.</p>	The Environment Agency will be undertaking discussions with the applicant's legal representative imminently to discuss slight preferred amendments to the Article to ensure necessary protection.

EXQ1	Question to:	Question:	EA response 3 May 2019:
DCO.1.40	Environment Agency	<p>Article 18 – Maintenance of drainage works Please comment upon the purpose and effect of this Article in relation to responsibility for maintenance of drainage works.</p>	<p>In regards to <u>flood risk</u> commenting on maintenance of drainage infrastructure falls outside our remit; Wiltshire Council may be best placed to comment.</p> <p>We understand that a Handover Environment Management Plan (HEMP) is to be produced and would include maintenance, which we would support. We would wish to be consulted on the HEMP, along with the Local Drainage Authority. We consider the definition and requirement for a HEMP should be more clearly stated in the DCO.</p>
DCO.1.75	Environment Agency	<p>i. Please explain further the need, if any, for additional Requirements to cover historic contamination mitigation measures and remediation work, the dewatering impact assessment and mitigation measures, the groundwater monitoring programme, updated groundwater risk assessment provision for the containment of contaminated runoff, and the treatment of runoff. Please provide draft Requirements for those topic areas for the ExA's consideration.</p> <p>ii. Please explain how the provision of environmental enhancements and opportunities could be secured through the dDCO.</p>	<p>The Environment Agency will be undertaking discussions with the applicant's legal representative imminently to discuss additional necessary requirements. However, to provide some more specific detail, please see our comments given below.</p> <p>i. Contaminated Land As discussed in our Written Representation, we consider that risks to controlled waters from historic contamination should be investigated and assessed prior to works commencing rather than waiting until contamination is encountered and potentially mobilised into the sensitive environment as would be the case under Requirement 7 of the Draft DCO dated October 2018. The OEMP (MW-GEO1) requires the assessment of risks to human health from contaminated land and we would request that this obligation is extended to cover risks to controlled waters. We have previously recommended wording similar to that used for conditions under the Town and Country Planning Act that could be used to create an appropriate Requirement for inclusion in the DCO.</p> <p>Dewatering, monitoring and risk assessment The risk assessment carried out to date has made the assumption that the scheme will not involve dewatering and tunnel boring machines will be used for construction. Hence there has been no assessment of impacts should any dewatering be required during construction of the scheme.</p> <p>Dewatering in this location has the potential to significantly impact groundwater levels and flows to the SSSI and SAC designated rivers</p>

EXQ1	Question to:	Question:	EA response 3 May 2019:
			<p>Avon and Till and groundwater supplying agricultural and potable abstractions. It is therefore vital that should dewatering be required, the impacts on controlled waters receptors and water users are assessed. Work should also consider if such impacts can be suitably mitigated in the short and long term. Any control measures should be agreed with the EA. If the impacts cannot be mitigated, alternative construction methods should be considered which would not require de-watering or where such activities were minimised.</p> <p>The Groundwater Management Plan as required by MW-WAT10 of the OEMP obliges the main contractor to update the Groundwater Risk Assessment in light of the final design and construction plan and in consultation with the EA. We expect this assessment to include an assessment of impacts from any dewatering that may be proposed.</p> <p>Furthermore, the EA will not agree to disapplication of abstraction licensing and therefore unless the proposals can comply with exemption from licensing available for small-scale schemes, an abstraction licence will be required for construction dewatering. It will be necessary for the applicant to demonstrate that no unacceptable impacts will occur prior to a licence being granted.</p> <p>The Groundwater Management Plan is also to include a groundwater level and quality monitoring plan, derivation of trigger levels, action plans and mitigation measures to protect groundwater resources. Since the OEMP requires the GWP to be prepared in consultation with the EA we do not consider that an additional Requirement is necessary provided the comments of the EA are sought.</p> <p>Containment and treatment of runoff Requirement 10 of the Draft DCO dated October 2018 requires approval of the details of the drainage system including mitigation and pollution control measures prior to commencement of development however there is no obligation to consult or seek approval from the EA. We would consider that the existing Requirement would allow us to ensure our concerns over the provision for contaminant containment and treatment are addressed</p>

EXQ1	Question to:	Question:	EA response 3 May 2019:
			<p>provided it is re-worded to ensure the EA are consulted in addition to the planning authority prior to approval by the Secretary of State.</p> <p>ii. Environmental enhancement We have requested that the applicant contribute towards the River Avon Restoration Plan (RARP) as part of the schemes requirements to provide net gain / environmental improvements. There are ongoing discussions on the delivery of the relevant RARP actions as part of the legacy for the scheme, but currently there is no final commitment to how this could be delivered within the DCO. There is only commitment to continue discussion through an Environmental Forum.</p> <p>We consider that there should be a greater commitment through the DCO for the development of enhancements of the scheme to deliver wetland habitats and improved river conditions.</p> <p>This could be achieved by including a requirement for an environmental enhancement plan to be produced as part of the DCO. This should identify potential enhancement opportunities and provide a mechanism for relevant parties, including the Environment Agency, to agree what could be taken forward and delivered.</p> <p>The National Planning Policy Framework core principle for planning is that it should contribute to conserving <u>and enhancing</u> the natural environment, in this regards we consider that the current scheme is currently only meeting the first part of this statement. This is why we request the above Requirement to be included in the DCO. This is also supported through the principles and aims of the Government's 25year Environment Plan.</p> <p>Our suggested wording for the DCO requirement is: “(1) No part of the authorised development is to commence until an Environmental Enhancement Plan has been submitted to and approved in writing by the Secretary of State, following consultation with the planning authority, the Environment Agency and Natural England.</p>

EXQ1	Question to:	Question:	EA response 3 May 2019:
			(2) The Environmental Enhancement plan must be implemented in accordance with the approved details referred to in sub-paragraph (1).”
DCO.1.100	Environment Agency	<p>Requirement 7 – Contaminated land</p> <p>i. Please explain further the need for the dDCO to include specific Requirements for further investigation, risk assessment, remediation and verification of areas identified as having potentially contaminative past uses and the submission and approval of a verification report.</p> <p>ii. Explain why Requirement 7, as drafted, is regarded as being insufficient provide a safeguard in relation to all relevant aspects of contaminated land and groundwater and submit any alternative or additional Requirements covering this topic in draft form.</p>	<p>As discussed in our Written Representation, we consider that risks to controlled waters from historic contamination should be investigated and assessed prior to works commencing rather than waiting until contamination is encountered and potentially mobilised into the sensitive environment as would be the case under Requirement 7 of the Draft DCO dated October 2018. The OEMP (MW-GEO1) requires the assessment of risks to human health from contaminated land and we would request that this obligation is extended to cover risks to controlled waters. We have previously recommended wording similar to that used for conditions under the Town and Country Planning Act that could be used to create an appropriate Requirement for inclusion in the DCO.</p>
DCO.1.107	Environment Agency	<p>Requirement 10 - Drainage</p> <p>i. Please comment generally as regards the provisions in the OEMP and drainage strategy and the means whereby the agreement of the detailed design of the drainage infrastructure, monitoring and maintenance could be secured by the dDCO.</p> <p>ii. Please submit with reasons any modifications or additions to the drainage strategy or other Requirements that are considered to be necessary.</p>	<p>We do not consider that the drainage strategy presented to date provides sufficient detail regarding containment of contaminated runoff and treatment of contaminants prior to discharge to the principal aquifer.</p> <p>In our Statement of Common Ground the applicant has agreed to consult the EA on the detailed design of the drainage system and recognised that the sensitive nature of the environment may require pollution control and mitigation measures in excess of the minimum stated in DMRB HD45. However, there is no formal requirement for such consultation.</p> <p>We therefore request modification to Requirement 10 of the Draft DCO dated October 2018 that would require consultation with the EA over the detailed drainage scheme design to ensure that our concerns have been addressed.</p> <p>In regards to <u>flood risk</u> commenting on maintenance of drainage infrastructure falls outside our remit. Wiltshire Council as the Lead Local Flood Authority may be best placed to comment.</p>

EXQ1	Question to:	Question:	EA response 3 May 2019:
Schedule 11 – Protective Provisions			
DCO.1.110	Environment Agency Esso Petroleum Company Ltd	Please indicate whether the terms of the Protective Provisions set out in Schedule 11 are agreed and, if not, what are the areas of disagreement?	The protective provisions currently included are not agreed as the applicant has not used the Environment Agency's preferred protective provisions – discussions are currently undergoing between legal representatives and it is hoped an agreement will be reached imminently with an agreed version being inserted into the next iteration of the draft DCO.
Fg.1	Flood risk, groundwater protection, geology and land contamination		
Fg.1.8	Applicant Environment Agency Wiltshire Council	<p>Contaminated land Requirement 7 requires that the Local Planning Authority and the Environment Agency are informed in the event that any previously unidentified contaminated land (including ground water) is found during the construction of the development. Subsequently the Undertaker must assess what, if any, remediation is necessary, this must be approved by the Local Planning Authority and the Environment Agency and then implemented.</p> <p>Is it necessary to amend the wording to provide a timescale in which the Local Planning Authority and the Environment Agency should be informed and/or to prevent further construction works being carried out in the area where the contamination has been found until the approval has been secured?</p>	<p>Yes, further construction work should be halted in the area of the contamination to ensure the risk of its mobilisation are minimised. The contractor should take responsibility for following CL11 methodology, identifying the extent of any contamination, identifying how it can be remediated and subject to agreement, implement such measures to remove or remediate any contamination. Finally clean up should be validated. Such activities can be expediated by the contractor and it may be possible to agree the process that is followed before work is commenced to minimise delays during construction.</p> <p>There is not usually a timescale stated when this condition is used under Town and Country Planning Act. If works have to halt in the area until the contamination has been assessed and agreement on any remediation obtained from LPA and EA then it is in the interest of the developer to report in a timely manner to allow works to continue.</p>
Fg.1.17	Applicant Environment Agency Wiltshire Council	<p>Additional water reports (referred to at the Preliminary Meeting) If not fully addressed in the relevant Statements of Common Ground, could the relevant parties provide an update on progress with the provision, and initial assessment of, each of the additional reports which have</p>	<p>Flood Risk The initial fluvial hydraulic model results were submitted to the EA for comment. The models were then revised to address the EA's comments and resubmitted to them (River Avon - on 22nd Feb; River Till - 2nd March) for confirmation. Further to this we received a March 2019 update to the fluvial hydraulic modelling report and on the 19 March 2019 a summary note and the comment tracker</p>

EXQ1	Question to:	Question:	EA response 3 May 2019:
		<p>been provided? Please set out areas of common and uncommon ground with reasons.</p>	<p>spreadsheets. EA provided feedback on the 8 April 2019, which provided a few additional comments. EA are currently awaiting AECOM feedback to our most recent comments. We are awaiting an update to the August 2018 FRA to reflect the findings of the updated fluvial hydraulic modelling report. Discussions are ongoing.</p> <p>Groundwater and contaminated land</p> <p>The additional reports received since submission of the DCO application have addressed our questions on the risks posed by the completed scheme on groundwater following our review of the Environmental Statement. Acknowledgement of this is reflected in the Statement of Common Ground.</p> <p>However, it remains to assess risks posed during construction of the scheme and we would expect to receive an updated Groundwater Risk Assessment that takes account of the final detailed design and construction methods to be used. We expect to receive this information as part of the CEMP and Groundwater Management Plan as required by the OEMP.</p>
Fg.1.18	Wiltshire Council Environment Agency	<p>Flood risk</p> <p>Please set out your assessment of the Proposed Development in respect of the flood risk policy, including the application of the Sequential and Exception Tests, in the NPSNN. In responding to this question, please refer to the Applicant's evidence highlighting in particular any areas of disagreement.</p>	<p>Two main rivers in the A303 Amesbury to Berwick Down Scheme area are the River Till and River Avon, which are underlain by a Chalk Principal aquifer. The main sources of flood risk to the area are fluvial, surface water (pluvial) and groundwater. The majority of the scheme area is within Flood Zone 1 (low probability), except where it traverses the two river channels, where areas of Flood Zone 2 and 3 are present.</p> <p>The National Policy Statement for National Networks (NPSNN) explains that essential transport infrastructure is permissible in areas of high flood risk, subject to the satisfaction of the NPPF Exception Test, which includes a requirement to undertake a Flood Risk Assessment (FRA).</p> <p>The application has undertaken an FRA, however, due to further fluvial hydraulic being undertaken an updated FRA now needs to be produced and submitted as part of the DCO application.</p>

EXQ1	Question to:	Question:	EA response 3 May 2019:
Fg.1.26	Applicant Historic England Environment Agency Wiltshire Council Mark Bush (on behalf of Blick Mead Archaeologist Team)	Blick Mead – hydrology i. Please provide an update on the hydrological monitoring at Blick Mead and what additional investigation and monitoring has been undertaken to date. ii. Please provide an update on the discussion about how this data is to be used and the implications for the tiered assessment.	We have not had sight of any specific monitoring or assessment of Blick Mead. We understand that this is an archaeological feature and therefore does not fall within our remit.
Fg.1.27	Applicant Historic England Environment Agency Wiltshire Council Mark Bush (on behalf of Blick Mead Archaeologist Team)	Blick Mead – hydrology i. Please provide an update on the provision of water meters at Blick Mead and the related data. ii. What timescales are necessary to secure an appropriate baseline and, if this has not been completed, what are the implications and how could any mitigation be secured through the DCO?	We have not had sight of any specific monitoring or assessment of Blick Mead. We understand that this is an archaeological feature and therefore does not fall within our remit.
Fg.1.28	Applicant Historic England Environment Agency Wiltshire Council Mark Bush (on behalf of Blick Mead Archaeologist Team)	Blick Mead – hydrology i. What consideration has been given to hydrological monitoring (and any associated remediation, if required) at Blick Mead during the construction and operational phases of the proposed development. ii. How would this be secured through the DCO?	We have not had sight of any specific monitoring or assessment of Blick Mead. We understand that this is an archaeological feature and therefore does not fall within our remit.
Fg.1.32	Applicant Environment Agency	Drainage and the Outline Environmental Management Plan In [RR-2060] the Environment Agency set out a number of concerns in respect of the drainage strategy and the OEMP. Can the Applicant provide comments on these concerns and can both parties set out any further agreement which has been reached on these matters and indicate what, if any, updates to the specified components of the OEMP	Groundwater and contaminated land No further agreements have been reached on the specific matters addressed by the stated components of the OEMP. However, as stated in the Statement of Common Ground, the applicant has agreed that the EA will be consulted on the detailed design of the drainage system and recognised that the sensitive nature of the environment may require pollution control and mitigation measures in excess of the minimum stated in DMRB HD45. We have requested that this consultation is written into Requirement 10 of the Draft DCO.

EXQ1	Question to:	Question:	EA response 3 May 2019:
		(MW-WAT1, MW-WAT2, MW-WAT7, and MW-WAT9) have been made as a result of further discussions?	
Fg.1.38	Applicant Environment Agency Wiltshire Council	<p>Flood risk and drainage The NPSNN requires that the DCO (or any associated planning obligations) need to make provision for the adoption and maintenance of any SuDS. Row 5.100 in Table A1 [APP-294] indicates that the dDCO includes a draft Requirement (10) relating to drainage. As currently drafted the Requirement does not make any reference to adoption or maintenance.</p> <p>How will future maintenance be secured, for example should the Requirement be expanded to incorporate this?</p>	<p>In regards to <u>flood risk</u> commenting on maintenance of drainage infrastructure falls outside our remit. Wiltshire Council as the LLFA may be best placed to comment.</p> <p>However, due to the potential living nature of some SuDS they will require habitat maintenance at least to ensure their effectiveness. In addition all SuDS must be maintained to ensure they are working effectively to adequately treat any drainage and minimise pollution of the water environment. Therefore adequate adoption and maintenance should be put in place where required, to ensure protection of the water environment.</p>
Fg.1.39	Applicant Environment Agency Wiltshire Council	<p>In the dDCO, Requirement 10 requires consultation with the planning authority in respect of the details of the drainage system.</p> <p>Should this be expanded to include consultation with the Environment Agency?</p>	<p>Yes, this should include consultation with the Environment Agency. We wish to be consulted to ensure that the drainage treatment systems are adequate to deal with any contaminants in runoff, and designed and constructed to ensure that pollution of the water environment is minimised. We also wish to ensure that the systems have adequate storage capacity to contain likely volumes of liquid resulting from the reasonable worst-case spill incident. We have drafted some suggested changes to Requirement 10 below:</p> <p>10.—(1) No part of the authorised development is to commence until written details of the drainage system to be constructed for that part, based on the mitigation measures included in the environmental statement and including means of pollution control, have been submitted to and approved in writing by the Secretary of State, following consultation with the planning authority <u>and the Environment Agency.</u></p>
Fg.1.42	Applicant Environment Agency	<p>Protective Provisions – drainage authorities Please provide an update as to any progress in agreeing the relevant Protective Provisions?</p>	<p>The Environment Agency is in discussion with the applicant regarding protective provisions solely for the benefit of the Environment Agency.</p>

EXQ1	Question to:	Question:	EA response 3 May 2019:
Ns.1	Noise and vibration		
Ns.1.18	Wiltshire Council Environment Agency	<p>Noise and vibration</p> <p>i. Do you agree that statutory exemption to nuisance should apply across the whole site and the whole scheme for the whole period of the construction?</p> <p>ii. If not, what elements do you consider should be excluded and why?</p>	The Environment Agency does not have a remit to cover noise and vibration relating to nuisance issues. We would defer to Wiltshire Council regarding this matter.
SE.1	Socio-economic Effects		
SE.1.1	Wiltshire Council Environment Agency Natural England	<p>Socio-environmental impacts</p> <p>Would the local authority, the EA and Natural England state whether the Proposed Development complies with the need to be designed to minimise social and environmental impacts and improve quality of life in accordance with para 3.2 of the NPSNN?</p>	<p>Para 3.2. states “3.2 The Government recognises that for development of the national road and rail networks to be sustainable these should be designed to minimise social and environmental impacts and improve quality of life.”</p> <p>In order to minimise environmental impacts and improve quality of life we consider that environmental enhancements should be included as part of the scheme and DCO. The benefits of this is that as well as providing net gain to wetland biodiversity and the natural capital of the catchment (as supported by the aspirations of NPPF, and Defra’s 25 year environment plan) such commitment could offer compensation areas for the residual adverse effects on visual landscape and tranquillity of the river valleys to recreational users at the new crossing sites (as acknowledged in ES Chapter 7).</p>
SE.1.2	Wiltshire Council Environment Agency Natural England	<p>Socio-economic effects</p> <p>Would the local authority the EA and Natural England state the extent to which the summaries of key economic, social and environmental impacts are agreed, with evidence to support any disagreement?</p>	We do not have any comments to make on this question.

EXQ1	Question to:	Question:	EA response 3 May 2019:
WM.1	Waste and materials management		
WM.1.9	Environment Agency	<p>Off-site disposal of tunnel arisings The EA supports the Applicant's commitments for the re-use of excavated materials.</p> <p>i. Please explain the EA's position in the event that not all of the excavated tunnel materials could be re-used within the Order limits?</p> <p>ii. What would be the implications for the CL:AIRE code of practice?</p> <p>iii. Do you consider that any additional controls would be required within the DCO?</p>	<p>i. The voluntary scheme of CL:AIRE will need a qualified person to approve the Code of Practice Declaration, if contaminated material is found whilst the excavations take place it is down to the qualified person to apply for either exemptions or for a permit to use the waste on site. If the waste is to be removed due to contamination then transfer notes and possibly consignment notes will need to be completed and kept as appropriate.</p> <p>ii. There would only be implications for the amount of contaminated waste which is found to be outside of the standard parameters for the site. So it is down to the qualified person to make sure that new areas are tested to see if there are any contaminants. If found contaminate waste needs to be kept separate so as not to contaminate cleaner waste material.</p> <p>iii. The qualified person is responsible to abide by the CL:AIRE code of practice.</p>